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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/12/2010 was filed after the mailing date of the final Office action on 1/15/2010. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

The amendments to the claims presented after final since the scope of the claims remains substantially unchanged and the amendments do not raise new issues that would require further consideration and/or search. The rejection of the final Office action dated 1/15/2010 still stands except that the rejection of claim 1 incorporates the rejection of claim 2 and the rejection of claim 11 now incorporates the rejection of claim 12.

Applicant's arguments filed 5/17/2010 have been fully considered but they are not persuasive.

A) Applicant's argument that a person having ordinary skill in the art would not have been motivated to modify the composition of Kaneko by substituting the barium titanate of Matsumura et al. is not persuasive. Matsumura et al. provides motivation for using the filler barium titanate, specifically to achieve a higher dielectric constant for miniaturized electronics (pg. 3 para. 2 and pg. 6 para. 9). Therefore, a person having ordinary skill in the art looking for a composition having a higher dielectric constant

would look to the fillers of Matsumura et al. to achieve this property. Kaneko does not teach away from having a composition with a high dielectric constant.

B) Applicant's argument that the function of the silica in Kaneko is to reduce the stress-strain resulting from the difference in thermal expansion between the semiconductor chip and the sealing resin and therefore there is no expectation of success that the barium titanate would perform this function is not persuasive. Kaneko discloses that the related prior art used silica for this purpose (pg. 3 para. 2-3), but discloses that for the invention of Kaneko, silica acts as a filler (pg. 7 para. 12). Since the reduction of stress-strain is addressed in the Description of the Related Art section, this disclosure is not part of the invention of Kaneko, just as using an amine compound as a curing agent, an acid anhydride and a phenol compound (para. 3) is not a part of the invention (as evidenced by the rest of the disclosure and examples). Since barium titanate is a known filler, there is an expectation of success that it can perform as a filler like silica.

C) Applicant's argument that a person having ordinary skill in the art would want a lower dielectric constant in an insulating layer and so would not be motivated to substitute a higher dielectric powder for a lower dielectric powder is not persuasive. In fact, Matsumura et al. desires a higher dielectric constant in an insulating layer (pg. 3 para. 2) and therefore a person having ordinary skill in the art that also desires a higher dielectric constant in an insulating layer would also choose to substitute a higher dielectric powder for a lower dielectric powder.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Megan McCulley whose telephone number is (571)270-3292. The examiner can normally be reached on Monday - Thursday 7:30-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

/M. M./
Examiner, Art Unit 1796